

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN STEVE VICK**, on January 26, 2001 at 3:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Steve Vick, Chairman (R)
Rep. Dave Lewis, Vice Chairman (R)
Rep. Matt McCann, Vice Chairman (D)
Rep. John Brueggeman (R)
Rep. Rosalie (Rosie) Buzzas (D)
Rep. Tim Callahan (D)
Rep. Edith Clark (R)
Rep. Bob Davies (R)
Rep. Stanley Fisher (R)
Rep. Dick Haines (R)
Rep. Joey Jayne (D)
Rep. Dave Kasten (R)
Rep. Christine Kaufmann (D)
Rep. Monica Lindeen (D)
Rep. Jeff Pattison (R)
Rep. Joe Tropila (D)
Rep. John Witt (R)

Members Excused: Rep. Art Peterson (R)

Members Absent: None.

Staff Present: Paula Broadhurst, Committee Secretary
Taryn Purdy, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 214, 1/26/2001
Executive Action: HB 312, 227, 240 206

HEARING ON HB 214

Sponsor: Rep. Jim Shockley, HD 61, Victor

Proponents: Rep. Joe McKenney, HD 49, Great Falls
Tom McKittrich, 8th Judicial District Court Judge,
Great Falls
Kenneth Neill, District Court Judge for Cascade
County
Jeff Langton, District Judge for Ravalli County
Debra Kottel, Commissioners of Cascade County
Rep. Joe Tropila, HD 47, Great Falls
Rep. Tim Callahan, HD 43, Great Falls

Opponents: None.

Opening Statement by Sponsor:

Rep. Jim Shockley, HD 61, Victor opened the hearing on HB 214 which would add district court judges in Ravalli and Cascade counties and that Montana has the highest population for judges and that the caseloads have increase 65% for these counties.

EXHIBIT(aph21a01) **EXHIBIT**(aph21a02)

Proponents' Testimony:

Rep. Joe McKenney, HD 49, Great Falls stood in favor of HB 214.

Tom McKittrich, 8th Judicial District Court Judge, Great Falls stood in favor of HB 214 and asked the committee for favorable consideration of the bill.

Kenneth Neill, District Court Judge for Cascade County spoke in favor of HB 214.

Jeff Langton, District Judge for Ravalli County spoke in favor of HB 214 and agreed with Rep. Shockley summary of the bill.

Debra Kottel, Commissioners of Cascade County stood in favor of HB 214 and wanted it noted of all the work done by the Cascade County Judges.

Rep. Joe Tropila, HD 47, Great Falls stood in favor of HB 214 and noted the workload that Cascade County Judges have.

Rep. Tim Callahan, HD 43, Great Falls spoke in favor of HB 214.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

Rep. Buzzas asked if the crime rate goes down, can judges be removed.

Rep. Shockley answered that yes, after the judges terms have expired.

{Tape : 1; Side : A; Approx. Time Counter : 14.2}

Rep. Davies inquired about the fiscal note on HB 214.

Rep. Shockley answered that it is on its way but that he had not signed it.

Rep. Vick enquired about the process, such as some counties not wanting more judges, and what is the process that is normally done to analyze and justify the addition of judges.

Rep. Shockley replied that this will cost the counties more than it will cost the state, and that it is very subjective.

Rep. Witt asked about the interim committee on which Judge Neill served and would the funding for an additional judge come up in the next legislature.

Judge Kenneth Neill answered it would.

Rep. Fisher asked the breaking point where they become inefficient because of their caseload.

Judge Kenneth Neill answered that they do a lot of things that they would like not to be doing for example a hearing on temporary orders, not final orders, and they find themselves trying to rule from the bench as much as they can because it helps to expedite cases.

Rep. Pattison asked how hard is it to fill positions with a \$100,000 salary.

Judge Kenneth Neill replied that it is \$83,000 salary.

Rep. Lewis commented that the issue is that the salary and benefits for a judge is \$114,000 per year because they have a huge retirement charge.

Rep. Witt inquired about the fiscal note and the travel expenses.

Judge Tony McKittrich replied that they are required to have 15 continuing credits per year which are offered at judicial conferences but that sometimes the Supreme Court asks them to go to judicial colleges around the country which is included in the travel and in addition they are called to sit on cases throughout the state of Montana.

Rep. Tropila asked his county commissioner, Gayle Morris if he had something to say?

Gayle Morris spoke and walked the committee through the process that they go through to find and make room for another judge and how they determine, when they need another judge for their county.

Rep. Vick requested information on when the judges are up for election and when are they appointed?

{Tape : 1; Side : B; Approx. Time Counter : 10.1}

Rep. Shockley answered that they will be up for election in 2002 and will be appointed Jan. 1 of 2002.

Rep. Vick asked about the caseloads. The population of Cascade County is currently not that much greater than Gallatin County and yet Cascade County has twice as many cases.

Rep. Shockley answered that Cascade County has a greater criminal caseload than Gallatin County and it just depends on the nature of the population.

Rep. Davies asked about the cost and fines assessed, could they alleviate the cost concerns.

Jeff Langton answered that they aggressively assess the costs that have been enacted by the legislature and they have different fees they collect on.

Rep. Witt asked if some of the statistics they have been talking about, are also based on the economy.

Judge Kenneth Neill answered that there are a lot of different factors.

Closing by Sponsor:

Rep. Shockley closes on HB 214.

EXECUTIVE ACTION

Motion: REP. TROPILA moved that HB 42 DO PASS.

Motion: REP. LEWIS moved that HB 42 BE AMENDED. **EXHIBIT**(aph21a03)

Discussion:

Reps. Lewis, Buzzas, Kauffman, Kasten, Jayne, Vick

Tayrn Purdy gives explanation of amendment.

{Tape : 2; Side : A; Approx. Time Counter : 1.1}

Vote: Rep. Lewis amendment passed 13-5 with Reps. Buzzas, Jayne, Kasten, Kaufmann and Tropila voting no.

Motion: REP. LEWIS moved that HB 42 DO PASS AS AMENDED.

Vote: HB 42 DPAA 16-2 with Reps. Buzzas and Kasten voting no.

Motion: REP. LEWIS moved that HB 206 BE TABLED.

Vote: HB 206 is tabled unanimously 18-0.

Motion: REP. TROPILA moved to reconsider HB 227.

Vote: Motion to reconsider HB 227 passed unanimously 18-0.

Motion: REP. TROPILA moved that HB 227 BE TABLED.

Motion: REP. MCCANN moved that HB 240 DO PASS.

Discussion:

Reps. Buzzas

Motion: REP. LEWIS moved that HB 240 BE AMENDED.

EXHIBIT(aph21a04)

Vote: Rep. Lewis amendment to HB 240 passed unanimously 18-0.

Motion: REP. MCCANN moved that HB 240 BE AMENDED.

EXHIBIT(aph21a05)

{Tape : 2; Side : A; Approx. Time Counter : 16.1}

Discussion:

Reps. Kauffman, McCann

Tayrn Purdy explained the McCann amendment to the committee.

Vote: Rep. McCann amendment to HB 240 passed unanimously 18-0.

Motion: REP. TROPILA moved that HB 240 DO PASS AS AMENDED.

Discussion:

Reps. Buzzas, Lewis, Vick

Taryn Purdy explained HB 240 to the committee.

Vote: HB 240 DPAA failed 9-9 with Reps. Lewis, Brueggeman, Davies, Fisher, Jayne, Kasten, Peterson, Witt and Vick voting no.

Motion: REP. LINDEEN moved that HB 240 BE TABLED.

Discussion:

Rep. McCann commented on table motion.

Vote: HB 240 motion to table passed unanimously 18-0.

Motion: REP. TROPILA moved that HB 312 DO PASS.

Discussion:

Reps. Vick, Buzzas, Fisher, Witt, Pattison and Tropila.

Motion: REP. MCCANN moved that HB 312 BE TABLED.

Vote: Motion to table HB 312 passed 10-8 with Reps. Buzzas, Callahan, Haines, Jayne, Kaufmann, Lindeen, Tropila and Witt voting no.

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. STEVE VICK, Chairman

PAULA BROADHURST, Secretary

SV/PB

EXHIBIT (aph21aad)